

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-54363-2023

Date of Decision:06.11.2023

Deepak

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Amrainder Singh, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 244 dated 18.04.2023, under Sections 22 (c)/61/85 of the NDPS Act, 1985, later on added Section 29 of NDPS Act registered at Police Station Mujesar, District Faridabad, Annexure P-1.

2. Learned counsel for the petitioner contends that the recovery in the present case had taken place from co-accused Subhash and no recovery was effected from the present petitioner. Learned counsel next contends that the petitioner was not named in the FIR and has been falsely involved on the basis of the disclosure statement suffered by co-accused. Even after his arrest, the investigation was conducted and the police could not collect any other legally admissible evidence against him. He was arrested in the present case on 25.05.2023 and the investigation is almost complete against him. Thus, the

further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the 15 injections of Buprenorphine (02 ML each) i.e 30 ML quantity was recovered from Subhash, co-accused of the petitioner and the said recovery falls within the ambit of “commercial quantity”.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. It is apparent that even though the recovery of contraband from the co-accused was commercial in nature, but there is no recovery from the present petitioner. Apart from that, the petitioner is in custody for the last more than five months and he is a first offender.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

06.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No